

PATENT

Attorney Docket No: BRI/023

REMARKS AND STATEMENT OF INTERVIEW

The Office is respectfully requested to reconsider the propriety of its final rejection of all elected claims as anticipated by U.S. Pat. No. 6,166,452 to Adams et al. ("Adams"). The present response is being filed as requested by Examiner Greene, with whom the undersigned discussed this case today by telephone but was unable to reach an agreement that the claims are not anticipated by Adams.

1. The rejection overlooks the amendment's addition of the limitation, "detonator."

The response to Applicant's 4/22/2004 amendments and arguments set forth in the final rejection addresses the addition of the limitation, "for use in mining and blasting," but not its addition of the limitation, "detonator." The elements of claim 1 include an igniter as part of the claimed detonator, but that is only a **part** of the claimed detonator. The claimed "detonator" cannot be met solely by an "igniter" because the igniter is only part of the claimed detonator.

2. Adams teaches an "igniter" but does not disclose or suggest a "detonator"

As was explained in the Tirmizi declaration, an "igniter" was well-known in the art at the time of filing of this application to be a completely distinct and structurally different item from a "detonator." See, e.g., Merriam Webster's Collegiate Dictionary, 10th Ed. (defining "detonator" as a device "used for detonating a high explosive"). Likewise, as used in the claims (as noted under the preceding heading) and specification, the word "detonator" is plainly defined as a different item than an igniter such as that taught by Adams. Nowhere does Adams teach or suggest the additional structure inherently included in a "detonator" - e.g., a detonator shell, etc. - that an "igniter" lacks.

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As was shown by the Tirmizi Declaration, an automotive igniter or initiator such as that taught by Adams is structurally different from a detonator. In fact, prior to the Applicant's work, it was not known that such an igniter could even be *modified so as to be incorporable* into a detonator:

[P]roviding a hermetically sealed initiator in a conventional fashion requires circumferential welds. To fit in a standard detonator shell, however, an ignition element must have a significantly smaller diameter than automotive initiators, resulting in a significantly higher surface to volume ratio and concomitantly reduced heat-sink for the heat generated by welding, presenting a well-known impediment to the welding of such devices. Further, reducing the header of Bailey proportionally results in problems of insulator glass-cracking during welding. ...

Tirmizi Decl., ¶4.

Conclusion

It is respectfully submitted that the present rejection overlooked the claim amendments, and its withdrawal in favor of a new action is requested. If reconsideration of the rejection in light of this response results in the case being in condition for allowance except for the continued pendency of withdrawn claims 2, 6, 8, 9, and 16-21, the Office is hereby authorized to cancel those withdrawn claims by Examiner's amendment without prejudice to their later prosecution.

Respectfully submitted,



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